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of the State of California
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-47

13 **KIMBERLY A. REID SULLIVAN, aka**
14 **KIMBERLY A. SULLIVAN, aka**
15 **KIMBERLY REID-SULLIVAN, aka**
16 **KIMBERLY ANN REID SULLIVAN**
5126 Enterprise Road
Summit, MS 39666

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

17 Registered Nurse License No. 632004

Respondent.

18 **FINDINGS OF FACT**

19 1. On or about August 14, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,
20 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs, filed Accusation No. 2008-47, against Kimberly A. Sullivan
22 Reid Sullivan, also known as Kimberly A. Sullivan, Kimberly Reid-Sullivan and Kimberly Ann
23 Reid Sullivan ("Respondent").

24 2. On or about February 5, 2004, the Board issued Registered Nurse
25 License No. 632004 to Respondent. The license expired on March 31, 2005, and has not been
26 renewed.

27 3. On or about August 23, 2007 and September 21, 2007, Araceli Mercado,
28 an employee of the Department of Justice, served by Certified and First Class Mail a copy of the

1 Accusation No. 2008-47, Statement to Respondent, Notice of Defense, Request for Discovery,
2 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
3 with the Board, which was and is 5126 Enterprise Road, Summit, Mississippi. Another service
4 was mailed to 465 2nd Street, Magnolia, Mississippi. A copy of the Accusation, the related
5 documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by
6 reference.

7 4. Service of the Accusation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c).

9 5. On or about August 28, 2007, and September 13, 2007, respectively, the
10 aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed." A
11 copy of the envelopes returned by the post office are attached as Exhibit B, and are incorporated
12 herein by reference.

13 6. Business and Professions Code section 118, subdivision (b) states;

14 The suspension, expiration, or forfeiture by operation of
15 law of a license issued by a board in the department, or its
16 suspension, forfeiture, or cancellation by order of the board or by
17 order of a court of law, or its surrender without the written consent
18 of the board, shall not, during any period in which it may be
19 renewed, restored, reissued, or reinstated, deprive the board of its
20 authority to institute or continue a disciplinary proceeding against
21 the licensee upon any ground provided by law or to enter an order
22 suspending or revoking the license or otherwise taking disciplinary
23 action against the license on any such ground.

24 7. Government Code section 11506, subdivision (c) states:

25 The respondent shall be entitled to a hearing on the merits
26 if the respondent files a notice of defense, and the notice shall be
27 deemed a specific denial of all parts of the accusation not expressly
28 admitted. *Failure to file a notice of defense shall constitute a*
waiver of respondent's right to a hearing, but the agency in its
discretion may nevertheless grant a hearing."

8. Respondent failed to file a Notice of Defense within 15 days after service
upon her of the Accusation, and therefore waived her right to a hearing on the merits of
Accusation No. 2000-47.

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9. California Government Code section 11520, subdivision (a) states:

If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A, B and C, finds that the allegations in Accusation No. 2008-47 are true.

11. The total costs for investigation and enforcement are \$1, 237.25, as of October 29, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected her Registered Nurse License No. 632004 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board is authorized to revoke Respondent's Registered Nurse License No. 632004, based upon the following violations alleged in the Accusation, as follows:

Business and Professions Code section 2761, subdivisions (a)(4), unprofessional conduct, in that out-of-state disciplinary actions were taken against Respondent before the Louisiana State Board of Nursing, Texas Board of Nurse Examiners, and Mississippi Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. RN 632004, heretofore issued to Respondent, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 18, 2008.

It is so ORDERED January 18, 2008

Lathene W Tate

FOR THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

DOJ docket number:SA2006101843
10390036.wpd

Attachments:

Exhibit A: Accusation No.2008-47, Related Documents, and Declaration of Service
Exhibit B: Copy of Envelopes Returned by Post Office
Exhibit C: Certification of Costs

Exhibit A

Accusation No. 2008-47
Related Documents and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
4 California Department of Justice
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6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-47

13 **KIMBERLY A. REID SULLIVAN, aka**
14 **KIMBERLY A. SULLIVAN, aka**
15 **KIMBERLY REID-SULLIVAN, aka**
16 **KIMBERLY ANN REID SULLIVAN**
5126 Enterprise Road
Summit, MS 39666

ACCUSATION

17 **Registered Nurse License No. 632004,**

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.
- 24 2. On or about February 5, 2004, the Board of Registered Nursing ("Board")
25 issued Registered Nurse License Number 632004 to Kimberly A. Reid Sullivan, also known as
26 Kimberly A. Sullivan, also known as Kimberly Reid-Sullivan, also know as Kimberly Ann
27 Reid-Sullivan ("Respondent"). The License expired on March 31, 2005, and has not
28 been renewed.

JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides:

Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.)]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein.

4. Code section 2764 provides:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

STATUTORY PROVISIONS

5. Code section 2761 provides, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

6. Code section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 (Out-of-State Disciplinary Actions)

3 7. Respondent's license is subject to disciplinary action for unprofessional
4 conduct under Code section 2761, subdivision (a)(4), in that out-of state disciplinary actions
5 were taken against Respondent, as follows:

6 a. **Louisiana State Board of Nursing.** On or about March 14, 2003,
7 pursuant to the Final Order in the disciplinary action entitled, "*In the Matter of: Kimberly Ann*
8 *Reid-Sullivan,*" Respondent's State of Louisiana registered nurse's license was suspended by
9 the Louisiana State Board of Nursing pursuant to Louisiana Revised Statute (LA R.S.). The
10 discipline was based on factual findings that Respondent was unfit or incompetent (LA R.S.,
11 § 37:911, subd. (3)); had demonstrated an actual or potential inability to practice nursing (LA
12 R.S., § 37:911, subd. (4)); had performed procedures beyond those authorized under the scope of
13 a registered nurse ((POS) LAC 46: XLVII.3405 (5)); had falsified records ((POS) LAC
14 46:XLVII.3405 (10)); had used or was under the influence of alcohol or drugs ((POS) LAC
15 46:XLVII.3405 (18)); and, that Respondent failed to cooperate with the Louisiana State Board of
16 Nursing ((POS) LAC 46:XLVII.3405 (19)). A copy of the disciplinary action entitled, "*In the*
17 *Matter of: Kimberly Ann Reid-Sullivan,*" is attached hereto as "Exhibit A," and is incorporated
18 herein by reference.

19 b. **Texas Board of Nurse Examiners.** On or about November 9, 2004, in
20 the Default Order of The Board in the disciplinary action entitled, "*In the Matter of Multi-State*
21 *Compact Privilege Issued to Kimberly Ann Reid Sullivan,*" Respondent's privilege¹ to practice
22 registered nursing was revoked by the Texas Board of Nurse Examiners pursuant to Texas
23 Occupations Code section 213.16 and Title 22 of the Texas Administrative Code. A copy of the
24 disciplinary action entitled, "*In the Matter of Multi-State Compact Privilege Issued to Kimberly*
25 *Ann Reid Sullivan,*" is attached hereto as "Exhibit B," and is incorporated herein by reference.

26 _____
27 1. The Nurse Licensure Compact allows a nurse who is licensed in one compact state (home state) to legally
28 practice in another compact state. The states of Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland,
Mississippi, Nebraska, North Carolina, South Dakota, Tennessee, Texas, Utah and Wisconsin are members of the
Nurse Licensure Compact.

1 c. **Mississippi Board of Nursing**. On or about June 24, 2005, in the
2 Final Order of the disciplinary action entitled, "*In the Matter of Mississippi License No. R-*
3 *851932 Issued to: Kimberly Reid-Sullivan,*" Respondent's nursing license and privilege to
4 practice registered nursing in the State of Mississippi was revoked by the Mississippi Board
5 of Nursing. The disciplinary action was based upon factual findings that Respondent
6 engaged in conduct likely to deceive, defraud or harm the public by virtue of her conviction
7 for embezzlement in or around March 2003; and that disciplinary action had been taken
8 against Respondent by the States of Louisiana and Texas. A copy of the disciplinary action
9 entitled, "*In the Matter of Mississippi License No. R-851932 Issued to: Kimberly Reid-Sullivan,*"
10 is attached hereto as "Exhibit C," and is incorporated herein by reference.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 632004, issued
5 to Kimberly A. Reid Sullivan, also known as Kimberly A. Sullivan, also known as Kimberly
6 Reid-Sullivan, also know as Kimberly Ann Reid-Sullivan;

7 2. Ordering Kimberly A. Reid Sullivan, also known as Kimberly A. Sullivan,
8 also known as Kimberly Reid-Sullivan, also know as Kimberly Ann Reid-Sullivan to pay the
9 reasonable costs incurred by the Board in the investigation and enforcement of this case
10 pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 **DATED:** 8/14/07

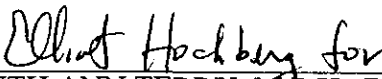
14
15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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EXHIBIT A

**LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA**

**IN THE MATTER OF:
KIMBERLY ANN REID-SULLIVAN
5126 ENTERPRISE ROAD
SUMMIT, MS 39666**

*
*
*

FINAL ORDER

RESPONDENT

The Louisiana State Board of Nursing, having set a hearing to determine whether cause exists under LA R.S. 37:911 et seq., to revoke or suspend or otherwise discipline the license of **KIMBERLY ANN REID-SULLIVAN** held said hearing on March 10, 2003, pursuant to applicable Louisiana laws and regulations.

A quorum of the Board was present. Celia Cangelosi, attorney, represented the Board and served as counsel to the President. E. Wade Shows, attorney, served as prosecuting attorney for the Board. Respondent was/was not present and was/was not represented by counsel at this hearing.

Testimony and other evidence were received by the Board, and as a result thereof, the Board makes the following findings of fact by a preponderance of evidence and conclusion of law.

FINDINGS OF FACT

1. That on July 1, 1994, Respondent was licensed by examination to practice as a registered nurse in Louisiana.
2. While working as a Registered Nurse at Memorial Hermann Hospital in Houston, Texas:
 - A. On October 9, 2002 at 2000 o'clock, for patient #1, Respondent wrote a verbal order for Demerol 75 mg IV now, may repeat x 1, from Dr. Wood/M. Welton, PA. Dr. Wood and the PA denied giving the order.
 - B. On October 9, 2002 at 2000 o'clock, for patient #1, Respondent signed out Demerol 75 mg. Respondent documented administration of same on the Medication Administration Record (MAR).
 - C. On October 9, 2002 at 2142, for patient #1, Respondent signed out Demerol 75 mg. There was no documentation of administration or wastage.
 - D. On October 10, 2002 at 0020, for patient #1, Respondent signed out Demerol 50 mg. There was no documentation of administration or wastage.
 - E. On October 10, 2002 at 0050, for patient #1, Respondent signed out Demerol 50 mg. There was no documentation of administration or wastage.
 - F. On October 10, 2002 at 0130, for patient #1, Respondent wrote a verbal order for Demerol 100 mg IV from Dr. Portonoy. Dr. Portonoy denied giving the order.
 - G. On October 10, 2002 at 0130, for patient #1, Respondent signed out Demerol 100 mg and documented administration of same.
 - H. On October 10, 2002, at 0243, for patient #1, Respondent signed out Demerol 50 mg. There was no documentation of administration or wastage.
 - I. On October 10, 2002, at 0416, for patient # 1, Respondent signed out Demerol 50 mg. There was no documentation of administration or wastage.
 - J. On October 10, 2002 at 0629, for patient #1, Respondent signed out Demerol 50 mg. There was no documentation of administration or wastage.

**LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA**

**IN THE MATTER OF:
KIMBERLY ANN REID-SULLIVAN
5126 ENTERPRISE ROAD
SUMMIT, MS 39666
RESPONDENT**

*
*
*

FINAL ORDER

3. On October 17, 2002, Board staff sent a letter to Respondent requesting a meeting. A meeting was scheduled for November 12, 2002. Respondent cancelled the meeting.
4. On November 1, 2002, information was received which indicated that the Respondent had been responsible for narcotics discrepancies while employed at North Oaks Medical Center, Hammond, LA in that :
 - A. On October 26, 2002 while Respondent was on duty, an order for Demerol 75 mg. IV q 3 hours PRN use MSO 4 for. was written on the chart of patient #2. The physician denied writing this order.
 - B. The Respondent was assigned to patient #2. The order was transcribed as q 2-4 hours. Three doses of Demerol 75 mg were removed from the PYXIS for patient #2. Two doses were documented as administered. One vial of Demerol 75 mg was not accounted for.
 - C. On October 28, 2002, Respondent submitted a urine drug screen, which tested positive for morphine.
5. On November 4, 2002, a certified letter was mailed to the Respondent's address of record requesting a written explanation of the narcotics discrepancies and scheduling a meeting for November 12, 2002. Respondent notified the Board staff that she was unable to attend the scheduled meeting and would call when she was able to schedule a meeting.
6. On December 16, 2002, another letter was sent to Respondent scheduling a meeting for January 7, 2003. Respondent also declined that meeting and never responded in writing to requests for information.
7. The Respondent was not present and was not represented by an attorney.
8. Witnesses appeared before the Board and were credible.

CONCLUSIONS OF LAW

1. That pursuant to LA R.S. 37:911 et seq., the Louisiana State Board of Nursing has jurisdiction over this matter.
2. That Respondent was properly notified of the charges and date of hearing.
3. That based on the foregoing Findings of Fact, Respondent did violate LA R.S. 37:921 as set forth in the complaint as filed, including, but not limited to the following subsections:

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA

IN THE MATTER OF:
KIMBERLY ANN REID-SULLIVAN
5126 ENTERPRISE ROAD
SUMMIT, MS 39666
RESPONDENT

*
*
*

FINAL ORDER

4. That the evidence presented constitutes sufficient cause pursuant to LA R.S. 37:921 to suspend Respondent's license to practice as a registered nurse in Louisiana. This is a public record and will be reported as Drug Diversion, Falsifying records, and Failure to Cooperate with the Board.

ORDER

In an open meeting of the Louisiana State Board of Nursing, on **March 12, 2003**, the following order was rendered:

It is **ORDERED, ADJUDGED, AND DECREED** that the license of this registrant is suspended until this registrant can appear before the Board and show cause as to why she should be allowed to practice as a registered nurse. Prior to request for hearing, she must submit payment of \$450.00 to the Board for a fine and submit payment of \$450.00 to the Board as cost of this hearing.

A copy of this Final Order shall be served upon the respondent by certified mail, return receipt requested.

Entered this 14th day of March, 2003.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN
Executive Director

COMPLAINT

Date Filed With Board February 11, 2003

STATE OF LOUISIANA
PARISH OF JEFFERSON

Personally before me, a Notary Public, duly commissioned and qualified, came and appeared:

Barbara L. Morvant, M.N., R.N., Executive Director
Louisiana State Board of Nursing

who after first being duly sworn did depose and say:

That from the information at hand,

Kimberly Ann Reid-Sullivan
Louisiana Registered Nurse

has been guilty of the violation of the Statute Governing the Practice of Nursing for the State of Louisiana and more particularly Louisiana R.S. 37:911 and particularly subsection 921 reading in part.....

- (3) Is unfit or incompetent by reason of negligence, habit, or other cause including falsifying records.
- (4) Has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs.

And also has been guilty of violation of Professional and Occupational Standards LAC 46: XLVII.3405. reading in part:

- (5) performing procedures beyond the authorized scope of nursing or any specialty thereof
- (10) falsifying records
- (18) use of or being under the influence of alcoholic beverages, illegal drugs or drugs which impair judgment while on duty,
- (19) failure to cooperate with the board by:
 - a. not furnishing in writing a full and complete explanation covering a matter requested by the board

In that:

- 1. While working as a Registered Nurse at Memorial Hermann Hospital in Houston, Texas:
 - A. On October 9, 2002 at 2000 o'clock, Respondent wrote a verbal order for Demerol 75 mg IV now, may repeat x 1, from Dr. Wood/M. Welton PA. For patient number 1. Dr. Wood and the PA denied giving this order

COMPLAINT

Kimberly Ann Reid-Sullivan

February 10, 2003

Page 2

- B. On October 9, 2002, Respondent signed Demerol 75 mg out of the pyxis at 2000 for patient number 1 and documented same as being administered on the Medication Administration Record.
 - C. On October 9, 2002 Respondent signed out Demerol 75 mg at 2142 for the same patient. It was not documented as being given or wasted.
 - D. On October 10 at 0020, Respondent signed out Demerol 50mg for the same patient. It was not documented on the medication administration record as being administered.
 - E. On October 10 at 0050, Respondent signed out Demerol 50 mg for the same patient. It was not documented on the medication administration record as being administered.
 - F. On October 10, 2002, Respondent wrote an order for Demerol 100mg IV at 0130 as a verbal order from Dr. Portonoy for the same patient. Dr. Portonoy denied giving this order.
 - G. On October 10, 2002 at 0130 Respondent signed out 100 mg of Demerol for the same patient and documented it as being given.
 - H. On October 10, 2002 at 0243, Respondent signed out 50 mg. of Demerol for the same patient. It was not documented on the medication administration record as being administered.
 - I. On October 10, 2002 at 0416, Respondent signed out 50 mg of Demerol for the same patient. It was not documented on the medication administration record as being administered.
 - J. On October 10, 2002 at 0629, Respondent signed out 50 mg. of Demerol for the same patient. It was not documented on the medication administration record as being administered.
- 2. On October 17, 2002, Board staff sent a letter to Respondent requesting a meeting. A meeting was scheduled for November 12, 2002. Respondent cancelled meeting.
 - 3. On November 1, 2002, information was received which indicated that the Respondent had been responsible for narcotics discrepancies while employed at North Oaks Medical Center, Hammond, LA. In that:
 - 4. On October 26, 2002, an order for Demerol 100 mg. IV q. 4-6 hr was written on the chart of patient number 2. The physician denied writing this order.
 - 5. On October 28, 2002, Respondent submitted a urine drug screen which tested positive for Morphine for which the respondent did not have a prescription.
 - 6. That on November 4, 2002, a certified letter was mailed to the Respondent's address of record requesting a written explanation of the narcotics discrepancies and scheduling a meeting for November 12, 2002. Respondent notified the Board office that she was unable to attend the scheduled meeting and would call when she was able to schedule a meeting.

COMPLAINT

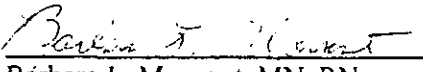
Kimberly Ann Reid-Sullivan

February 10, 2003

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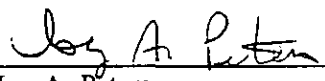
7. That on December 16, 2002, another letter was sent to Respondent scheduling a meeting for January 7, 2003. Respondent also declined that meeting and never responded in writing to requests for information.

That the said **Kimberly Ann Reid-Sullivan**, is hereby ordered to show cause, if any she have, before the Board at the next regular meeting of the Board to be held on March 10, 2002 at 9:00 a.m. through March 12, 2002 at the Office of the Board 3510 N. Causeway Suite 501, Metairie, Louisiana why disciplinary action against this license should not be taken.



Barbara L. Morvant, MN, RN
Executive Director

Sworn to and subscribed before me,
this 11th day of **February, 2003**.



Joy A. Peterson
Notary Public

EXHIBIT B

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
MULTI-STATE COMPACT	§	AND DISCIPLINARY
	§	
PRIVILEGE	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
KIMBERLY ANN REID SULLIVAN	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: Kimberly Ann Reid Sullivan
5126 Enterprise Rd.
Summit, MS 39666

During open meeting held in Austin, Texas, on November 8, 2004, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's multi-state compact privilege to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN. CODE § 213.16(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Multi-State Compact privilege previously issued to KIMBERLY ANN REID SULLIVAN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Multi-State Compact privilege, previously issued to KIMBERLY ANN REID SULLIVAN, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 9th day of November, 2004.

I certify this to be a true copy of the records on file with the Board of Nurse Examiners for the State of Texas.

Date: 5-2-06

Signed: Beth May, Admin. Asst. II

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Multi-State Compact

Privilege issued to

KIMBERLY ANN REID SULLIVAN, Respondent

§

§

§

BEFORE THE BOARD

OF NURSE EXAMINERS

FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KIMBERLY ANN REID SULLIVAN, is a Registered Nurse In the State of Mississippi, a member of the Nurse Licensure Compact, holding license number R851932, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the privilege to practice professional nursing in the State of Texas prior to commencement of this proceeding.

CHARGE I.

On or about October 9, 2002 through October 10, 2002, while employed with AMN Healthcare Agency, San Diego, California, and on assignment with Memorial Hermann Healthcare System, Houston, Texas, Respondent wrote unauthorized physicians' orders for patients in order to withdraw Demerol from the Pyxis Medication Dispensing System, as follows:

DATE/TIME	PATIENT	CONTROLLED SUBSTANCE RECORD	UNAUTHORIZED PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES
10/9/02@2000	66142930	Demerol 75 mg	Demerol 75mg IV now, may repeat x 1	Demerol 75 mg	Demerol 75mg @ 2000
10/9/02@2142	66142930	Demerol 75 mg	"" ""	Not documented	Not documented
10/10/02@0131	66142930	Demerol 100 mg	Demerol 100mg IV	Demerol 100 mg @ 0130	Demerol 100 mg
10/10/02@0306	66140709	Demerol 100 mg	Demerol 75 - 100 mg IM q 3-4 hr	Demerol (no amount) @ 0330	Demerol (no amount) @ 0330
10/10/02@0617	66140709	Demerol 100 mg	"" ""	Demerol (no amount) @ 0630	Demerol (no amount) @ 0630
10/9/02@1959	66140965	Demerol 50 mg	Demerol 75 mg IV now - then Demerol 25-50mg IV q 2-4 hr prn (Respondent documented this order on 10/10/02 and backdated it to 9/30/02)	Demerol (no amount) @ 2000	Demerol 50 mg at 1950
10/9/02@2301	66140965	Demerol 50 mg	"" ""	Demerol (no amount) @ 2200	Demerol (no amount) @ 2200
10/10/02@0020	66140965	Demerol 50 mg	"" ""	Demerol (no amount) @ 2400	Demerol (no amount) @ 2400
10/10/02@0050	66140695	Demerol 50 mg	"" ""	Not documented	Not documented
10/10/02@0057	66140695	Demerol 50 mg	"" ""	Not documented	Not documented

10/10/02@0303	66140695	Demerol 50 mg	*** **	Demerol (no amount) @ 0300	Demerol (no amount) @ 0300
10/10/02@0416	66140695	Demerol 50 mg	*** **	Not documented	Not documented
10/10/02@0532	66140695	Demerol 50 mg	*** **	Demerol (no amount) @ 0500	Demerol (no amount) @ 0500
10/10/02@0629	66140695	Demerol 50 mg	*** **	Not documented	Demerol (no amount) Illegible time

Respondent's conduct was deceiving to the facility and in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3) & (4).

CHARGE II.

On or about October 9, 2002 through October 10, 2002, while employed with AMN Healthcare Agency, San Diego, California, and on assignment with Memorial Hermann Healthcare System, Houston, Texas, Respondent withdrew Demerol for patients from the Pyxis Medication Dispensing System, but failed to document or accurately document its administration in the patients' medical records, as follows:

DATE/TIME	PATIENT	CONTROLLED SUBSTANCE RECORD	UNAUTHORIZED PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES
10/9/02@2142	66142930	Demerol 75 mg	Demerol 75mg IV now, may repeat x 1	Not documented	Not documented
10/10/02@0131	66142930	Demerol 100 mg	Demerol 100mg IV	Demerol 100 mg @ 0130	Demerol 100 mg
10/10/02@0050	66140695	Demerol 50 mg	****	Not documented	Not documented
10/10/02@0057	66140695	Demerol 50 mg	****	Not documented	Not documented
10/10/02@0416	66140695	Demerol 50 mg	****	Not documented	Not documented
10/10/02@0629	66140695	Demerol 50 mg	****	Not documented	Demerol (no amount) Illegible time

Respondent's conduct was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (4).

CHARGE III.

On or about October 9, 2002 through October 10, 2002, while employed with AMN Healthcare Agency, San Diego, California, and on assignment with Memorial Hermann Healthcare System, Houston, Texas, Respondent misappropriated Demerol from the facility and the patients thereof. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medications.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (19)

CHARGE IV.

On or about March 14, 2003, Respondent's license to practice professional nursing in the State of Louisiana was suspended by the Louisiana State Board of Nursing, Metairie, Louisiana. A copy of the March 14, 2003 Louisiana State Board of Nursing Final Order is attached and incorporated, by reference as part of this pleading.

The above action constitutes a violation of Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33. Additionally, staff will seek to impose on Respondent administrative costs in an amount of at least one thousand two hundred dollars (\$1200.00) pursuant to 301.461 Texas Occupations Code.

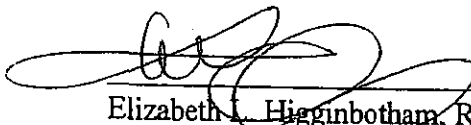
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Cease and Desist Order dated July 28, 2003.

Filed this 10th day of September, 2004.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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Attachments: Cease and Desist Order dated July 28, 2003

0999/D

EXHIBIT C

**STATE OF MISSISSIPPI
BOARD OF NURSING**

**IN THE MATTER OF MISSISSIPPI
LICENSE NO. R-851932
ISSUED TO:**

**KIMBERLY REID-SULLIVAN
5126 ENTERPRISE ROAD
SUMMIT, MS 39666
Respondent**

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**REVOCATION OF NURSING
LICENSE**

DATE OF BIRTH: 02/23/68

FINAL ORDER

THIS CAUSE came before a Hearing Panel comprised of three (3) members of this Honorable Board for a hearing on the 9TH day of June 2005, in the Hearing Room at the office of the Mississippi Board of Nursing located at 1935 Lakeland Drive, Suite B, Jackson, Mississippi, 39216-5014 to determine whether it should impose disciplinary action against the nursing license of the **RESPONDENT, KIMBERLY REID-SULLIVAN, LICENSE NUMBER R-851932**, pursuant to Section 73-15-29 of the Mississippi Code of 1972, as amended.

The hearing was held pursuant to Section 73-15-31 of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

The Board has jurisdiction over the party and the subject matter.

The **RESPONDENT, KIMBERLY REID-SULLIVAN**, was not present at the Board hearing and was not represented by Counsel. Having been properly noticed, having been called and having failed to appear, the Board's Hearing Panel proceeded in the absence of **KIMBERLY REID-SULLIVAN**.

The Board's Hearing panel consisted of Debra Allen, RN, Emily Pharr, LPN, and Bess C. Blackwell, RN. Darlene Lindsey, RN, served as an alternate but did not participate in either the deliberations or the decision of the Hearing Panel.

The Board's Hearing Panel received and heard sworn testimony at the hearing. Based on the sworn testimony and the evidence admitted into the record at the hearing, the Hearing Panel of the Board of Nursing makes the following **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**:

FINDINGS OF FACT

1. The Board's Hearing Panel finds that the **RESPONDENT** was properly noticed of the Complaint and the date and time of the hearing in accordance with statutory law.
2. The Board's Hearing Panel finds that the **RESPONDENT** was not present at the Board hearing and was not represented by an attorney at such hearing.
3. The Board's Hearing Panel finds that the **RESPONDENT** is guilty of **CHARGE I - COUNT A and COUNT B, and CHARGE II** in the Complaint based upon the sworn testimony and the evidence admitted into the record at the hearing.
4. The Board's Hearing Panel finds that on March 10, 2003, a hearing was held at the Louisiana State Board of Nursing, and on March 12, 2003, the **RESPONDENT'S** license was suspended.
5. The Board's Hearing Panel finds that the **RESPONDENT** has not completed the Louisiana Recovering Nurse Program, and at this time the **RESPONDENT** is not compliant with that program.
6. The Board's Hearing Panel finds that on July 28, 2003, a Cease and Desist Order was issued by the Texas Board of Nursing against the privilege to practice in that state. The

findings of fact received from the Texas Board of Nursing are incorporated herein. Subsequently, the Texas Board of Nursing revoked the **RESPONDENT'S** privilege to practice nursing in the State of Texas on or about November 9, 2004.

7. The Board's Hearing Panel finds that on March 3, 2003, **RESPONDENT** pled guilty to the charge of embezzlement in the Circuit Court of Pike County, Mississippi.

8. The Board's Hearing Panel finds that as terms of charges in the Circuit Court of Pike County, Mississippi, on March 3, 2003, the **RESPONDENT** was also ordered to complete the Nurse Recovery Program, and based upon the sworn testimony and the evidence admitted into the record at the hearing, the **RESPONDENT** has not complied with such order.

CONCLUSIONS OF LAW

1. That the Mississippi Board of Nursing has jurisdiction over the party and the subject matter.

2. The **RESPONDENT'S** conduct constitutes sufficient grounds for revocation of the **RESPONDENT'S LICENSE NUMBER R-851932**, and privilege to practice as a nurse in the State of Mississippi pursuant to Section 73-15-29 of the Mississippi Code of 1972, as amended.

3. By clear and convincing evidence the **RESPONDENT, KIMBERLY REID-SULLIVAN, LICENSE NUMBER R-851932**, violated Section 73-15-29 (l)(d) and (l)(k) of the Mississippi Code of 1972, as amended, as set forth above.

Based upon the above **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**, the Hearing Panel of the Board hereby **ORDERS** that the **RESPONDENT, KIMBERLY REID-SULLIVAN, LICENSE NUMBER R-851932**, shall be and is hereby found guilty of **CHARGE I - COUNT A and COUNT B, and CHARGE II** in the Complaint.

IT IS ORDERED BY THE HEARING PANEL OF THIS BOARD that the nursing license and privilege to practice of the **RESPONDENT, KIMBERLY REID-SULLIVAN, LICENSE NUMBER R-851932**, shall be and is hereby **REVOKED** as a result of the herein guilty findings.

The Board's Hearing Panel hereby imposes the penalty of **REVOCATION** for each of the guilty findings herein. Said penalties shall be considered as separate and distinct and shall run concurrently with each other.

Please be advised that you have a right to appeal the decision of the Board's Hearing Panel to the full membership of the Mississippi Board of Nursing in accordance with Section 73-15-31 of the Mississippi Code of 1972, as amended.

A copy of this Order shall be served upon the **RESPONDENT, KIMBERLY REID-SULLIVAN, LICENSE NUMBER R-851932**, by Certified Mail-Restricted Delivery, Return Receipt Requested.

SO ENTERED, THIS THE 24th DAY OF JUNE 2005.

MISSISSIPPI BOARD OF NURSING

BY: Delia Y. Owens
DELIA Y. OWENS, J.D., R.N.
EXECUTIVE DIRECTOR

(BOARD SEAL)